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BARRY R. LIPSITZ  
DOUGLAS M. McALLISTER  
ANDREW D. GATHY

In re Application of: S. Wu  
Application No.: 09/806,626  
Filed: April 2, 2001  
For: **METHOD AND APPARATUS FOR PROVIDING RATE CONTROL IN  
A VIDEO ENCODER**

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit: 2613  
Examiner: T. Vo

Sir:

Transmitted herewith is:

☒ Response (8 pages);

☒ Return receipt postage prepaid postcard;

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The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Very truly yours,

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Attorney Docket No.: **GIC-551**

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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Signature: Carol Prentice  
Carol Prentice

RESPONSE

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Dear Sir:

This Amendment is response to the final Office Action mailed on June 23, 2004.

Summary

Claims 1-15, 27, and 31-47 are pending.

The Examiner has indicated that claims 31-47 contain allowable subject matter.

Claims 1-12 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Borgwardt (US 5,949,490).

Claims 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borgwardt in view of Ben-Arie (US 5,946,039).

Applicant respectfully traverses these rejections in view of